

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

GARY WISTROM,

Plaintiff,

v.

KENNETH BLACK,

Defendant.

ORDER

11-cv-515-wmc

The court is in receipt of the June 7, 2013 correspondence from plaintiff's counsel advising that "he wishes to withdraw the request for a new trial on damages and accept the Court's remittitur of \$150,000 in compensatory damages and \$300,000 in punitive damages," as well as a response from defendant's counsel filed later that same day, which objects to the withdrawal as "untimely" and for failing to articulate "excusable neglect." Although 2 days past the deadline set by the court, there appears good reason under Fed. R. Civ. P. 1 to permit a slightly late acceptance of remittitur, no statutory bar to this court exercising its discretion to permit a tardy acceptance, and no meaningful prejudice to defendant in the court doing so. Accordingly, the court will treat plaintiff's June 5 request as void and accept the June 7 request for remittitur *nunc pro tunc*. The clerk's office is directed to enter judgment for plaintiff in the total amount of \$450,000.

Entered this 10th day of June, 2013.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge